

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVANNE A. KIRKWOOD,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

Civil Action No. 09-1347

ORDER

AND NOW, this 11th day of August, 2010, upon consideration of the plaintiff-claimant's Motion in Support of Review, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, plaintiff's objections (docket no. 15), and defendant's response (docket no. 16), and for the reasons provided in the accompanying Memorandum, it is hereby ORDERED that:

1. The Report and Recommendation (docket no. 14) is NOT APPROVED and NOT ADOPTED;
2. Request for Review is GRANTED insofar as plaintiff requests a remand;
3. The matter is REMANDED to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with this Memorandum and Order.

JUDGMENT

AND NOW, this 11th day of August, 2010, in accordance with *Kadelski v. Sullivan*, 30 F.3d 399 (3d Cir.1994), and Rule 58 of the Federal Rules of Civil Procedure, it is hereby ORDERED that JUDGMENT is entered REVERSING the final decision of the Commissioner of Social Security and REMANDING the matter to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with my Memorandum and Order of today.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.